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12 Attorneys for Defendant  
13 EVENTBRITE, INC.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

AMERANTH, INC.,

CV NO. 3:13-CV-350-DMS-WVG

Plaintiff,

**DEFENDANT EVENTBRITE, INC.'S  
BRIEF ON ISSUES RE: DOCKET  
NOS. 450, 455**

v.

EVENTBRITE, INC.,

Defendant.

1           Defendant Eventbrite, Inc. (“Eventbrite”) submits this brief regarding issues  
2 raised in Docket Nos. 450 and 455.

3           Eventbrite joins the concurrently filed brief of defendant Starbucks (Docket  
4 No. 502). Like Starbucks, Eventbrite has nothing to do with the disputes in Docket  
5 Nos. 450 and 455. Ameranth did not sue Eventbrite until February 13, 2013. Other  
6 than answering and attending last week’s telephonic status conference, nothing has  
7 happened in the Eventbrite case. Eventbrite and Ameranth have not served initial  
8 disclosures. No discovery has been propounded or responded to.

9           Most importantly, Ameranth has not served any infringement contentions  
10 against Eventbrite. Ameranth has not identified the specific Eventbrite products  
11 that allegedly infringe, and Ameranth has not provided any detail regarding how  
12 Eventbrite products allegedly infringe. Requiring Eventbrite to produce technical  
13 documents or source code prior to receiving Ameranth’s Local Patent Rule 3.1  
14 disclosures would serve no purpose other than to permit Ameranth to conduct a  
15 costly fishing expedition through Eventbrite’s technical documents and source  
16 code, which would prejudice Eventbrite.

17           For these reasons and the reasons set forth by Starbucks, Eventbrite  
18 respectfully requests that the Court deny Ameranth’s request to obtain discovery of  
19 Eventbrite’s technical documents and source code prior to serving infringement  
20 contentions. Ameranth should serve Eventbrite with infringement contentions that  
21 comply with Patent Rule 3.1 on January 31, 2014, as proposed by Defendants in the  
22 Joint Preliminary Report. Pursuant to Local Patent Rules, Eventbrite should not  
23 have to make its Patent Rule 3.4(a) disclosures until 60 days after it receives those  
24 contentions. Eventbrite should not suffer any prejudice due to Ameranth’s tactical  
25 decisions on the timing of when it sued various defendants.

26           In addition, although issues related to interrogatory responses raised in  
27 Docket Nos. 450 and 455 are not ripe as to Eventbrite, Eventbrite expects the  
28 Court’s ruling on the propriety of such interrogatories to impact future discovery

1 served upon the newly consolidated defendants. Therefore, Eventbrite joins  
2 Defendants' positions in Docket Nos. 450 and 455.

3 Dated: September 20, 2013

4 DLA PIPER LLP (US)

5 By /s/ Erin P. Gibson  
6 ERIN P. GIBSON  
7 JESSE HINDMAN  
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8 Attorneys for Defendant  
9 EVENTBRITE, INC.

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2 I certify that this document filed through the ECF system will be sent  
3 electronically to the registered participants as identified on the Notice of Electronic  
4 Filing (NEF) and paper copies will be sent to those indicated as non-registered  
5 participants on September 20, 2013.

Debby Brady  
Debby Brady